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ATTORNEY FOR DEFENDANT
City of Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA BUTTE DIVISION**

<p>THE IMPERIAL SOVEREIGN COURT OF THE STATE OF MONTANA; ADRIA JAWORT; RACHEL CORCORAN; MONTANA BOOK COMPANY; IMAGINE BREWING COMPANY, LLC d/b/a IMAGINE NATION BREWING COMPANY; BUMBLEBEE AERIAL FITNESS; THE WESTERN MONTANA COMMUNITY CENTER; MONTANA PRIDE; THE GREAT FALLS LGBTQ+ COMMUNITY CENTER; THE ROXY THEATER; and THE MYRNA LOY,</p> <p>Plaintiffs,</p> <p>v.</p> <p>AUSTIN KNUDSEN; ELSIE ARNTZEN; J.P. GALLAGHER; and THE CITY OF HELENA</p> <p>Defendants.</p>	<p>Cause No. CV-23-50-BU-BMM</p> <p>City of Helena Response to Request for Temporary Restraining Order and Preliminary Injunction</p>
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The City of Helena, through its City Attorney, Rebecca Dockter, submits this response to the Petition for Temporary Restraining Order and Preliminary Injunction in anticipation of the Court's scheduled hearing on July 26, 2023.

The City of Helena does not dispute the claims by Plaintiffs concerning the vague and overbroad nature of HB 359, and requests this Court enjoin the implementation of HB 359 during the pendency of this matter.

House Bill 359 creates a Hobson's choice for the City. In making its permitting decision, the City itself is in the position of either choosing to infringe upon Plaintiff's constitutional rights to freely express themselves (by denying the permit – something the City is not willing to do), or subject City employees to civil and criminal liability under the provisions of HB 359. The first Pride event is planned for July 30, 2023 where this choice will have to be made.

While the City of Helena plans to issue one permit to Plaintiff Montana Pride for all planned events beginning July 30 and running through August 5, the permit places the burden upon the Pride performers to either comply with the vague, overbroad, and confusing law, or face civil and criminal liability for exercising their fundamental rights. In essence, HB 359 puts the City and the Plaintiffs in similarly untenable positions.

Therefore, the City does not dispute the need for a Temporary Restraining Order and Preliminary Injunction and respectfully requests this Court order HB 359 be enjoined prior to July 30, 2023.

Respectfully submitted this 24th day of July 2023.

Respectfully submitted,
/s/Rebecca J. Dockter
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon all parties of record via CM/ECF on the 24th day of July, 2023.

/s/ Jennifer Berry